

Senate Bill No. 765

Passed the Senate July 8, 2013

Secretary of the Senate

Passed the Assembly July 3, 2013

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2013, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 3545 of the Government Code, relating to public employees.

LEGISLATIVE COUNSEL'S DIGEST

SB 765, Block. Public employees: collective bargaining.

Existing law permits public school employees to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations, as specified. Existing law permits an employee organization to become the exclusive representative of an appropriate unit for purposes of meeting and negotiating, as specified. In each case that the appropriateness of the unit is an issue, existing law requires the Public Employment Relations Board to decide the question on the basis of the community of interest between and among the employees and their established practices including, among other things, the extent to which those employees belong to the same employee organization and the effect of the size of the unit on the efficient operation of the school district. Existing law provides that in the case of a district that employs 20 or more supervisory peace officer employees, a negotiating unit of supervisory employees is appropriate if it includes any of specified supervisory employees. Existing law prohibits these supervisory employees from being in a negotiation unit with employees whom they supervise.

This bill would permit a supervisory peace officer employee to join or participate in an employee organization and negotiating unit that is composed of nonsupervisory peace officers if the representation has been agreed to by the supervisory employee representative, the nonsupervisory peace officer representative, and the employer and the Public Employment Relations Board is so notified.

The people of the State of California do enact as follows:

SECTION 1. Section 3545 of the Government Code is amended to read:

3545. (a) In each case where the appropriateness of the unit is an issue, the board shall decide the question on the basis of the community of interest between and among the employees and their established practices including, among other things, the extent to which those employees belong to the same employee organization, and the effect of the size of the unit on the efficient operation of the school district.

(b) In all cases:

(1) A negotiating unit that includes classroom teachers shall not be appropriate unless it at least includes all of the classroom teachers employed by the public school employer, except management employees, supervisory employees, and confidential employees.

(2) Except as provided in subdivision (c) or (d), a negotiating unit of supervisory employees shall not be appropriate unless it includes all supervisory employees employed by the district and shall not be represented by the same employee organization as employees whom the supervisory employees supervise.

(3) Classified employees and certificated employees shall not be included in the same negotiating unit.

(c) (1) In the case of a district that employs 20 or more supervisory peace officer employees, a negotiating unit of supervisory employees shall be appropriate if it includes any of the following:

(A) All supervisory non-peace-officer employees employed by the district and all supervisory peace officer employees employed by the district.

(B) All supervisory non-peace-officer employees employed by the district, exclusively.

(C) All supervisory peace officer employees employed by the district, exclusively.

(2) A negotiating unit of supervisory peace officer employees shall not be represented by the same employee organization as employees whom the supervisory employees supervise.

(d) Notwithstanding subdivision (b) or (c), a supervisory peace officer employee may elect to join or participate in an employee organization and negotiating unit that is composed of nonsupervisory peace officers if the representation has been agreed to by the supervisory employee representative, the nonsupervisory peace officer representative, and the employer and those entities

have informed the board of their agreement. The employer may cause a supervisory peace officer employee to join a bargaining unit separate from the employees the supervisory peace officer employee supervises.

Approved _____, 2013

Governor